

FILED

JUN 22 2011

UNITED STATES DISTRICT COURT

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
California DEPUTY CLERK

Eastern

DISTRICT OF

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Yan EBYAM, Thomas JOPSON,
David JOPSON, Aimee SISCO, Jesus BRUCE
Pablo Omar VASQUEZ, and Dolf Fred PODVA.

Case Number:

2:11mj176 EFB

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about _____ in _____ see below _____ County, in the _____ Eastern _____ District of _____ California _____ defendant(s) did,

(Track Statutory Language of Offense)

Beginning in or about May 2011, and continuing to the present, in Sacramento County, did knowingly and intentionally conspire with others to manufacture at least 1,000 marijuana plants, a Schedule I Controlled Substance, in violation of 21 U.S.C. §§ 846 and 841(a)(1), and

Beginning in or about May 2011, and continuing to the present, did knowingly and intentionally possess manufacture at least 1,000 marijuana plants, a Schedule I Controlled Substance, all

in violation of Title 21 United States Code, Section(s) 841(a)(1).

I further state that I am a(n) DEA Special Agent and that this complaint is based on the following facts:

Official Title

PLEASE SEE ATTACHED AFFIDAVIT,

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

[Signature]
Signature of Complainant

Robert Marchi

Printed Name of Complainant

Sworn to before me and signed in my presence,

6/22/2011

Date

at

Sacramento

City

California

State

Edmund F. Brennan

Name of Judge

Magistrate Judge

Title of Judge

[Signature]
Signature of Judge

**Affidavit of DEA Special Agent Robert Marchi In Support of a
Criminal Complaint**

I, Robert Marchi, being duly sworn state the following:

Background and Expertise

1. I am a Special Agent with the United States Drug Enforcement Administration (DEA). I have been employed as such since April 1991. I am presently assigned to the DEA Office in Sacramento, California. I am a United States law enforcement officer as set forth in 18 U.S.C. § 2510(7), and I am authorized by law to conduct investigations and make arrests for offenses delineated in 18 U.S.C. § 2516.
2. I was trained as a DEA Special Agent at the DEA Academy in Quantico, Virginia. During my sixteen-week training, I received specialized training in the Controlled Substances Act, 21 U.S.C. § 801, et seq. I received training relating to criminal organizations engaged in conspiracies to manufacture and/or possess with intent to distribute marijuana, cocaine, cocaine base, heroin, methamphetamine, and other dangerous drugs prohibited by law. I received training regarding the Fourth Amendment and search and seizure law. I was trained in Confidential Source (CS) management and investigative techniques, and numerous other facets pertaining to the criminal investigation of prohibited drugs.
3. I have received specialized training on the subject of indoor and outdoor marijuana grow operations, to include: marijuana plant botany and horticulture; the equipment used to conduct indoor and outdoor marijuana growing operations; common indicators of indoor and outdoor marijuana grow operations; and investigative techniques and safety standards as applied to indoor and outdoor marijuana grow operations. I have attended conferences and roundtable meetings with other experienced agents, officers, and agencies to discuss techniques used to investigate marijuana grow operations.
4. Based upon my training and experience I am familiar with 21 U.S.C. §§ 802 and 812, which establish criteria for scheduling specific types of drugs. A drug falling under a Schedule I classification is found to have a high potential for abuse, has no currently acceptable medicinal use in treatment in the United States, and lacks accepted safety for use under medical supervision. "Marihuana" (the spelling used by Congress in § 812(c), Schedule I(c)(10)) and those substances found to contain tetra-hydro-cannabinols (THC) (see § 812(c), Schedule I(c)(17)), the primary drug in marijuana, are considered Schedule I drugs.
5. During the course of my employment as a DEA Special Agent, I have participated in excess of one hundred (100) investigations and have gained knowledge and experience by working with other agents. I have participated in the execution of over one hundred federal and state search warrants involving the seizure of the aforementioned controlled substances. I have participated in the seizure of records

relating to the manufacturing and distribution of controlled substances, and other types of evidence documenting the activities of drug trafficking organizations and its members. I have used numerous investigative techniques and resources, and often draw on these experiences, techniques, and resources, including the use of physical and electronic surveillance and various types of infiltration, such as, undercover agents, informants, and cooperating sources. Based on these investigations, my training and experience, and the experience of agents and law enforcement officers, I have become familiar with the methods used by drug traffickers to smuggle and safeguard illicit drugs, distribute illicit drugs, and collect and launder proceeds from illicit drug transactions. I have been involved in the investigation of several large scale indoor and outdoor marijuana drug trafficking organizations, in which search warrants were served on residential homes and structures converted into full scale indoor marijuana grows or that were in the process of such conversions, as well as outdoor marijuana gardens.

Scope of Requested Criminal Complaint

6. This Affidavit is submitted in support of a Criminal Complaint charging **William FRIED** and **Thomas MARRS** with participating in an ongoing conspiracy to manufacture at least 1,000 marijuana plants, a Schedule I Controlled Substance, in Sutter County, California, and elsewhere, during the time period beginning on or about April 1, 2011, and continuing to the present in violation of 21 U.S.C. §§ 846 and 841(a)(1), and manufacture of at least 1,000 marijuana plants, beginning on or about April 1, 2011, in Sutter County, California, in violation of 21 U.S.C. § 841(a)(1). The information described below is based upon my conversations other federal, state, and local law enforcement agents assisting in this investigation and a review of reports prepared by them.

June 21, 2011 – Execution of Federal Search Warrant at 1255 Pleasant Grove Road, Rio Oso, California

7. During execution of the federal search warrant at 1255 Pleasant Grove Road, Rio Oso, on June 21, 2011, agents encountered **Donald William FRIED** and **Thomas MARRS** along with Thomas JOPSON, David JOPSON, Aimee SISCO, and Jesus BRUCE at the marijuana grow site. Both FRIED and MARRS were located within the marijuana grow site on the property. Agents estimate that they discovered approximately 2,168 marijuana plants at this location.
8. Statement of Donald William FRIED. After being advised of his Miranda warnings by IRS Special Agents Martins and Huppert, FRIED stated that he understood his rights and agreed to be interviewed. FRIED claimed that he resides wherever his bike is located, which is currently at 1255 Pleasant Grove Road, Rio Oso, California, within Sutter County.

9. According to FRIED, he resides at 1255 Pleasant Grove Road four days a week while he is working for Black Horizon ("BH"). FRIED admitted that he began working for BH approximately three months ago. Prior to that, he lived in Yreka and had no job.
10. FRIED admitted that Fried was hired to work at BH seven days a week. Starting two weeks ago, Fried began working only from Monday through Thursday. He leaves the property from Friday through Sunday, during which time another shift of workers maintains the plants. FRIED said that he was hired by "Jesus," known to your affiant to be Jesus BRUCE. FRIED claimed that, approximately three months ago, BRUCE contacted FRIED's ex-wife trying to get in contact with FRIED. BRUCE eventually got in contact with FRIED and offered him a job doing manual labor.
11. FRIED described his responsibilities as general maintenance of the marijuana cultivation sites and to move anything that is heavy. He is paid \$20 per hour. FRIED said he does not make any of the business decisions for BH. According to FRIED, he believes that BH has been growing for approximately six months. When he first started, the brothers Tom and Dave JOPSON were heavily involved in the business, working alongside the hired help. Approximately two weeks after Fried began working, the Jopson brothers stopped having such deep involvement in the daily operations.
12. FRIED identified the "weekday" crew at the marijuana grow site as Monday through Thursday crew consisting of workers, include "Dolf," "Tommy," and "Pablo." I believe that FRIED's reference to "Tommy," means defendant **Thomas MARRS**. FRIED said he is not sure who exactly works on the "weekend" crew, but remembers two guys both named "Kyle."
13. Statement of Thomas MARRS. After being advised of his Miranda warnings by IRS Special Agents Martins, MARRS stated that he understood his rights and agreed to be interviewed. claimed that he resides wherever his bike is located, which is currently at 1255 Pleasant Grove Road, Rio Oso, California, within Sutter County.
14. MARRS lives in Red Bluff but has worked for the marijuana grow at 1255 Pleasant Grove Road, Rio Oso, for approximately four months. His boss is Amy. Based upon my familiarity with this investigation, I know this reference to "Amy," is Aimee SISCO. MARRS said he was "hard up" for work and asked SISCO for additional work. She told him that he could assist with the maintenance of her marijuana grow.
15. According to MARRS, he earns \$20 per hour and works four days a week. Each day he works ten hour days. MARRS said that "Amy" allows him to stay at the house on the property from Monday through Thursday.
16. MARRS is paid weekly, usually by check. The name of the company he works for is "Black Horizon." MARRS said that, once in a while, he is paid in cash.

17. At the marijuana grow site, MARRS is responsible for doing whatever is necessary to keep the marijuana growing. He pulls apart drip lines and puts them back together. He used to water the plants by hand.
18. MARRS claimed that he thought the marijuana grow was legal. MARRS said that he was not responsible for any of the sales to the collectives and has never transported any marijuana from the grow.
19. MARRS admitted that the marijuana from the grow is dried onsite in the barn. Recently, the Thomas and Dave JOPSON (whom MARRS identified as being in charge of the grow until "Amy" recently took over the day-to-day operations), took back the barn that was used for drying the marijuana. MARRS believes that the marijuana is going to be dried in the greenhouse.
20. MARRS said he was previously arrested for marijuana possession in 1992. MARRS claimed that had a cannabis card that is issued by the collective in Chico. MARRS said he has marijuana for personal use and cooks with his personal use marijuana.

Conclusion

21. Based upon this Affidavit, I respectfully request that a Criminal Complaint be issued charging **William FRIED** and **Thomas MARRS** with participating in an ongoing conspiracy to manufacture at least 1,000 marijuana plants, a Schedule I Controlled Substance, in Sutter County, California, and elsewhere, during the time period beginning on or about April 1, 2011, and continuing to the present in violation of 21 U.S.C. §§ 846 and 841(a)(1), and manufacture of at least 1,000 marijuana plants, beginning on or about April 1, 2011, in Sutter County, California, in violation of 21 U.S.C. § 841(a)(1).

I swear under penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information and belief.

Robert Marchi, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before
me on the _____ day of June, 2011

EDMUND F. BRENNAN
United States Magistrate Judge

Approved as to form:

Jason Hitt
Assistant U.S. Attorney

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1 §§ 841(a)(1) and 846; and Count Two: manufacture of at least
2 1,000 marijuana plants in Sacramento County, California, during
3 the time period beginning in or about May 2011, and continuing to
4 the present, in violation of 21 U.S.C. § 841(a)(1).

5 3. I am the case agent and am familiar with the facts of
6 the case. Some of the facts recited below, which I believe to be
7 true, were provided to me by other individuals participating in
8 this investigation. Based on these facts, I believe that there
9 is probable cause that contraband, evidence, fruits, and
10 instrumentalities concerning violations of 21 U.S.C. §§ 841(a)(1)
11 and 846, as more particularly described in Attachment B, will be
12 found on the premises, persons, and vehicles to be searched, as
13 more particularly described in Attachments A-1, A-2, A-3, A-4,
14 A-5, A-6, and A-7. Because this Affidavit is made for the
15 limited purpose of obtaining the search warrants, criminal
16 complaints, and arrest warrants requested herein, I have not set
17 forth each and every fact learned during the course of this
18 investigation. Rather, I have set forth only those facts that I
19 believe are necessary to establish probable cause for the search
20 warrants, criminal complaints, and arrest warrants sought.
21 Unless otherwise indicated, where actions, conversations, and
22 statements of others are related herein, they are related in
23 substance and in part, and based on the reasonable
24 interpretations of the officers involved in the investigation
25 when reviewing these matters in light of their substantial
26 experience and training.

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1 **AFFIANT'S BACKGROUND, TRAINING, AND EXPERIENCE**

2 4. I was trained as a DEA Special Agent at the DEA Academy
3 in Quantico, Virginia. During my sixteen-week training, I
4 received specialized training in the Controlled Substances Act,
5 21 U.S.C. § 801, et seq. I received training relating to
6 criminal organizations engaged in conspiracies to manufacture
7 and/or possess with intent to distribute marijuana, cocaine,
8 cocaine base, heroin, methamphetamine, and other dangerous drugs
9 prohibited by law. I received training regarding the Fourth
10 Amendment and search and seizure law. I was trained in
11 Confidential Source (CS) management and investigative techniques,
12 and numerous other facets pertaining to the criminal
13 investigation of prohibited drugs.

14 5. I have received specialized training on the subject of
15 indoor and outdoor marijuana grow operations, to include:
16 marijuana plant botany and horticulture; the equipment used to
17 conduct indoor and outdoor marijuana growing operations; common
18 indicators of indoor and outdoor marijuana grow operations; and
19 investigative techniques and safety standards as applied to
20 indoor and outdoor marijuana grow operations. I have attended
21 conferences and roundtable meetings with other experienced
22 agents, officers, and agencies to discuss techniques used to
23 investigate marijuana grow operations.

24 6. Based upon my training and experience I am familiar
25 with 21 U.S.C. §§ 802 and 812, which establish criteria for
26 scheduling specific types of drugs. A drug falling under a
27 Schedule I classification is found to have a high potential for
28 abuse, has no currently acceptable medicinal use in treatment in

1 the United States, and lacks accepted safety for use under
2 medical supervision. "Marihuana" (the spelling used by Congress
3 in § 812(c), Schedule I(c)(10)) and those substances found to
4 contain tetra-hydro-cannabinols (THC) (see § 812(c), Schedule
5 I(c)(17)), the primary drug in marijuana, are considered Schedule
6 I drugs.

7 7. During the course of my employment as a DEA Special
8 Agent, I have participated in excess of one hundred (100)
9 investigations and have gained knowledge and experience by
10 working with other agents. I have participated in the execution
11 of over one hundred federal and state search warrants involving
12 the seizure of the aforementioned controlled substances. I have
13 participated in the seizure of records relating to the
14 manufacturing and distribution of controlled substances, and
15 other types of evidence documenting the activities of drug
16 trafficking organizations and its members. I have used numerous
17 investigative techniques and resources, and often draw on these
18 experiences, techniques, and resources, including the use of
19 physical and electronic surveillance and various types of
20 infiltration, such as, undercover agents, informants, and
21 cooperating sources. Based on these investigations, my training
22 and experience, and the experience of agents and law enforcement
23 officers, I have become familiar with the methods used by drug
24 traffickers to smuggle and safeguard illicit drugs, distribute
25 illicit drugs, and collect and launder proceeds from illicit drug
26 transactions. I have been involved in the investigation of
27 several large scale indoor and outdoor marijuana drug trafficking
28 organizations, in which search warrants were served on

1 residential homes and structures converted into full scale indoor
2 marijuana grows or that were in the process of such conversions,
3 as well as outdoor marijuana gardens.

4 **FACTS GIVING RISE TO PROBABLE CAUSE**

5 **A. The April 20, 2011 Interview Of Thomas Jopson**

6 8. On April 20, 2011, Sutter County Sheriff Deputy Matthew
7 Maples contacted Thomas Jopson at Thomas Jopson's ranch/tomato
8 farm located at 1251 Pleasant Grove Road, Rio Oso, Sutter County,
9 California. [The Thomas Jopson ranch/tomato farm is part of a
10 group of adjoining farming and home parcels owned by members of
11 the Jopson family. According to an inquiry into the Sutter
12 County Assessor's Office records on May 16, 2011: Thomas and
13 Margaret Jopson own Assessor's Parcel No. 28-140-015, a 75.40
14 acre parcel with improvements, but no residence, with an address
15 of 1251 Pleasant Grove Road, Rio Oso, California; Thomas and
16 Margaret Jopson own Assessor's Parcel No. 28-140-013, a 3.79 acre
17 parcel with a residence with an address of 1159 Pleasant Grove
18 Road, Rio Oso, California; David and Sandra Jopson own Assessor's
19 Parcel No. 28-140-006, a 2.40 acre parcel with a residence and an
20 address of 1245 Pleasant Grove Road, Rio Oso, California; and
21 Janet Jopson owns Assessor's Parcel No. 28-140-014, a 3.10 acre
22 parcel with a residence with an address of 1255 Pleasant Grove
23 Road, Rio Oso, California. The entire Jopson family real estate
24 parcels are listed for sale; however, I learned through an
25 inquiry with the listing realtor company on June 17, 2011, that
26 the properties have not been sold.] The contact was in reference
27 to a possible large industrial scale marijuana cultivation
28 operation located on Thomas Jopson's property. During the non-

1 custodial contact, Deputy Maples asked Thomas Jopson what he was
2 growing in the greenhouse on his property. Initially, Thomas
3 Jopson was ambiguous in answering Deputy Maples, stating it was
4 confidential and that he had signed a letter of confidentiality
5 to not disclose the nature of the crop in the greenhouse. Thomas
6 Jopson eventually stated, "it's 215 or 420 stuff." (Based on my
7 training and experience, I believe that Thomas Jopson was
8 referring to California Proposition 215/Compassionate Use Act
9 allowing, among other things, medical patients and/or their
10 caregivers a limited defense to state prosecutions against
11 criminal charges for cultivating and/or possession of marijuana.
12 I believe that Thomas Jopson's mention of "420" refers to
13 California Senate Bill 420, colloquially known as the Medical
14 Marijuana Program Act.)

15 9. Deputy Maples questioned Thomas Jopson about the
16 legality of the marijuana growing operation, asking Thomas Jopson
17 if he had documentation verifying the legality of the operation.
18 Thomas Jopson assured Deputy Maples he had documentation and
19 invited Maples into the greenhouse containing the marijuana
20 cultivation operation to see the documentation and the marijuana
21 cultivation operation itself. However, at no time did Thomas
22 Jopson provide to Maples or any other law enforcement officer any
23 documentation that, in fact, established that the marijuana grow
24 operation was legal under California law.

25 10. Once inside the greenhouse, Thomas Jopson gave Deputy
26 Maples a tour of the marijuana cultivation operation and told
27 Maples that Maples could take pictures of the operation and
28 marijuana plants. Maples noted the greenhouse was approximately

1 100 yards long and approximately 40 yards wide. The greenhouse
2 was divided in half by a wall. One half contained multiple rows
3 of growing marijuana plants, ranging in height from approximately
4 1 inch to approximately 2 feet tall. In this half of the
5 greenhouse, tables were set up for germination of marijuana seeds
6 and the cloning of marijuana plants. Thomas Jopson stated this
7 half of the greenhouse contained 1,760 marijuana plants, not
8 including the plants on the germination tables which included an
9 additional approximate 1,000 plants.

10 11. Thomas Jopson gave Deputy Maples a tour of the second
11 half of the greenhouse. Thomas Jopson stated there were 1,840
12 marijuana plants in the second half of the greenhouse. These
13 marijuana plants ranged in height from approximately 3 feet to
14 approximately 13 feet tall. Thomas Jopson stated there were 23
15 rows with approximately 80 marijuana plants per row. Thomas
16 Jopson stated these marijuana plants were planted around January
17 15, 2011 and will be harvested within a month. Thomas Jopson
18 said he expected to harvest 6 marijuana crops a year with an
19 estimated \$4 million return on each crop for a total of \$24
20 million a year.

21 12. While Thomas Jopson was providing Deputy Maples a tour
22 of the marijuana cultivation operation, and with Thomas Jopson's
23 consent, Maples took several pictures of the marijuana
24 cultivation operation. I have viewed the photographs which
25 depict, among other things, multiple rows of marijuana plants
26 growing inside a greenhouse operation.

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1 **B. The April 28, 2011, Interview Of Thomas Jopson**

2 13. On April 28, 2011, Deputy Maples was dispatched to
3 Thomas Jopson's property in response to Thomas Jopson's request
4 for law enforcement assistance. Upon arriving at the property,
5 Maples met with Thomas Jopson and engaged in a non-custodial
6 discussion with Thomas Jopson. Thomas Jopson asked Maples if the
7 Sheriff's Department could "close patrol" his (Thomas Jopson's)
8 property due to the unpredictability of Yan Ebyam, who Thomas
9 Jopson identified as the person leasing his property to cultivate
10 marijuana. Thomas Jopson stated Ebyam was becoming irrational
11 and was not working well with Thomas Jopson. Thomas Jopson
12 stated, he (Thomas Jopson) didn't want anything to jeopardize the
13 marijuana cultivation operation. Thomas Jopson explained, he
14 (Thomas Jopson) signed a lease with Ebyam in January 2011 for
15 Ebyam to cultivate marijuana on his (Thomas Jopson's) property
16 and since then Ebyam has been nothing but problems. Thomas
17 Jopson stated he was attempting to break the lease with Ebyam.
18 Maples told Thomas Jopson the Sheriff's Department would respond
19 if there was a dispute between Thomas Jopson and Ebyam. However,
20 if there was a lease then the tenant would have a right to enter
21 the property and the situation was likely a civil matter.

22 14. Thomas Jopson told Deputy Maples they would start
23 harvesting marijuana the following day and would be drying the
24 marijuana in a metal barn on his property. Thomas Jopson once
25 again invited Maples into the greenhouse to see the progress of
26 the growth of the marijuana plants. Thomas Jopson boasted the
27 marijuana plants were growing 3 to 6 inches a day and they were
28 filling in the greenhouse for the next crop of marijuana. Once

1 inside the greenhouse, Maples noted the marijuana plants that
2 were approximately 1 inch to approximately 3 feet tall a week
3 ago, were now approximately 1.5 feet to approximately 4.5 feet
4 tall and the entire floor was covered with new additional
5 marijuana plants. Maples noted the cloning tables were full with
6 clones and other small marijuana plants. Maples estimated there
7 were an additional 1,000 to 2,000 more marijuana plants than a
8 week ago.

9 15. Upon Thomas Jopson taking Deputy Maples into the second
10 room of the greenhouse, Maples noted the marijuana plants in this
11 section of the greenhouse had grown considerably since he first
12 saw them the previous week. Thomas Jopson stated they were
13 planning to begin harvesting these marijuana plants the following
14 day and would be harvesting them for some time. Maples asked
15 Thomas Jopson if he had any problems with theft of the marijuana.
16 Thomas Jopson told Maples he was not aware of any thefts. Maples
17 told Thomas Jopson if there was a theft it would difficult for
18 the Sheriff's Department to determine a victim since there was a
19 lack of ownership information concerning who actually owned the
20 marijuana. Thomas Jopson assured Maples that although his
21 tenant, Ebyam, actually owned the marijuana being cultivated on
22 his property, he (Thomas Jopson) would be a victim of any theft
23 of marijuana since he was due to receive a portion of the
24 proceeds from the sale of the marijuana being cultivated on his
25 property.

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1 C. The May 5, 2011, Interviews Of Thomas Jopson, Yan
2 Ebyam, Pablo Vasquez, Dolf Podva, And Aimee Sisco

3 16. On May 5, 2011, Deputy Maples was on routine uniformed
4 patrol in the area of Thomas Jopson's property when he noticed
5 several people in the driveway of Thomas Jopson's property.
6 Maples engaged in a non-custodial contact of the people on Thomas
7 Jopson's property. One of the subjects was identified as Thomas
8 Jopson's tenant, Yan Ebyam. Ebyam identified himself by
9 producing his driver's license. Ebyam told Maples he (Ebyam) was
10 in the process of selling his interest in the marijuana
11 cultivation operation to Aimee Sisco. Ebyam said Sisco was in
12 the process of changing the lease agreement with Thomas Jopson to
13 include her on the lease in place of Ebyam. Maples asked Ebyam
14 why he was selling his business interest, and Ebyam responded
15 that he was starting a separate business in a different area.
16 Ebyam said that he had a falling out with a person, who was hired
17 by Thomas Jopson to oversee the marijuana growing operation.
18 Ebyam said that employee no longer works for them and that Thomas
19 Jopson has stopped working in the greenhouse and has taken on a
20 landlord role.

21 17. While on Thomas Jopson's property, Maples contacted
22 Pablo Vasquez and Dolf Podva, who were both identified by their
23 California Drivers License/Identification cards. Both Vasquez
24 and Podva said they were involved in the cultivation of marijuana
25 on the property for a corporation. They said that after the
26 employee overseeing the marijuana operation was fired and Thomas
27 Jopson stopped working for the company, they were put in charge
28 of the growing and processing of the marijuana. They said they

1 did not get a pay increase (despite the increase in
2 responsibilities) and only get about \$1,000 per week. Vasquez
3 and Podva said they lived at 1255 Pleasant Grove Road during the
4 week, and they had other employees who work and stay there as
5 well. Maples noticed marijuana leaves on Podva's orange jumpsuit
6 and detected the odor of marijuana from Podva's person.

7 18. While Maples was talking with Ebyam, Sisco arrived by
8 car at Thomas Jopson's property. Sisco confirmed Thomas Jopson
9 and Sisco were in the process of changing the lease; however,
10 Thomas Jopson would still be entitled to his 25% share of the
11 profits from the sale of the marijuana cultivated on Thomas
12 Jopson's property. Sisco said that before Jopson changed his
13 role to a landlord role, Thomas Jopson had been working about 12
14 hours per day in the marijuana grow operation.

15 19. Sisco said she was upset due to conflicts with Ebyam.
16 Sisco said she invested her life savings into the company and did
17 not want to lose it because of Ebyam. Sisco said that Ebyam has
18 only put about \$150,000 into the business, whereas, she spent
19 over \$350,000, and was spending over \$40,000 per month in
20 operation costs just to run the business. During Deputy Maples'
21 contact with Sisco she verbally stated that she lived at 24645
22 Clement Avenue, Los Molinos, California. [On June 17, 2011,
23 Pacific Gas & Electric Company confirmed that Jesus Bruce,
24 Sisco's longtime boyfriend was the utility subscriber at 24645
25 Clement Avenue, Los Molinos from May 1, 2010, to the present.]

26 20. Deputy Maples then contacted Thomas Jopson at his
27 residence at 1159 Pleasant Grove Road. Thomas Jopson confirmed
28 Ebyam was currently on the lease for the marijuana cultivation

1 operation and that Sisco was in the process of buying Ebyam's
2 interest in the marijuana business. Thomas Jopson said he
3 recently stopped working for them and was going to take a
4 landlord role. Thomas Jopson said that he was unsure who started
5 the company that ran the marijuana growing operation, but said
6 that Sisco and her husband, Jesus Bruce, fronted the money to
7 finance the majority of the operation and starting costs. Thomas
8 Jopson said that Bruce is not involved much due to his past
9 arrest history.

10 **D. The May 26, 2011, Interview Of David Jopson**

11 21. On May 26, 2011, at approximately 0900 hours, Deputy
12 Maples and California Department of Justice, Bureau of Narcotic
13 Enforcement, Yuba/Sutter Narcotic and Gang Enforcement Team
14 (NET-5) Task Force Agent (TFA) Robert Brokenbrough went to Thomas
15 Jopson's ranch/tomato farm. Upon arrival, they spoke with Thomas
16 Jopson's brother, Dave Jopson. Dave Jopson said his brother was
17 currently in San Diego housesitting and would be back Monday or
18 Tuesday. Dave Jopson was asked about his participation in the
19 marijuana cultivation operation. Dave Jopson stated he and his
20 brother were expecting to make enough money from the cultivation
21 of marijuana to "lead the good life." Their future plans
22 included selling the property and retiring. Dave Jopson said the
23 marijuana cultivation operation was expecting to make \$2 million
24 per grow cycle and there would be 4 grow cycles per year. Dave
25 Jopson and his brother were expecting to make 25% profit
26 (\$150,000) per grow cycle.

27 22. Dave Jopson stated he has a minor role in the marijuana
28 grow operation that if we needed more information we should talk

1 to his brother, Thomas Jopson. Dave Jopson did say he and his
2 brother have reduced their day to day involvement in the
3 marijuana grow operation.

4 **E. The May 26, 2011, Interview Of Aimee Sisco**

5 23. After talking with Dave Jopson, Deputy Maples and TFA
6 Brokenbrough spoke with Sisco while at 1251 Pleasant Grove Road,
7 the location of the greenhouse containing the marijuana plants.
8 Sisco took Maples and Brokenbrough into the greenhouse containing
9 the marijuana grow operation. The vast majority of the marijuana
10 plants that were previously there were now gone. Maples and TFA
11 Brokenbrough estimated only a few hundred marijuana plants were
12 left from the original 4000+ plants last observed by Maples on
13 May 5, 2011.

14 24. Sisco took Deputy Maples and TFA Brokenbrough into the
15 room which was utilized for drying harvested marijuana plants and
16 processing the marijuana for sale. Deputy Maples and TFA
17 Brokenbrough observed an estimated 100+ marijuana plants drying
18 in the room. The officers also observed five people processing
19 the dried marijuana plants by prepping and trimming the marijuana
20 in anticipation for sale. All five people were trimming the
21 marijuana buds and placing the trimmed buds into large tote
22 containers and cardboard boxes. The officers estimated there was
23 well in excess of 100 pounds of processed marijuana buds in the
24 containers.

25 25. During the conversation, Sisco told Maples that Yan
26 Ebyam was no longer involved with her in cultivating marijuana at
27 1251 Pleasant Grove Road. Sisco explained that she had been
28 taken advantage of by Ebyam. Sisco stated Ebyam was currently

1 cultivating marijuana plants at a business named Cal-Nevada
2 Florist on Fruitridge Road in Sacramento. Sisco stated Ebyam had
3 moved the vast majority of the growing marijuana plants from 1251
4 Pleasant Grove Road to Cal-Nevada Florist, although she did not
5 actually see Ebyam take the marijuana plants to that location.
6 Sisco said that Ebyam was going to grow and harvest the marijuana
7 plants at Cal-Nevada Florist before the florist business needed
8 the greenhouse space to grow poinsettias for the winter. Sisco
9 said that of the 25 rows of 88 marijuana plants per each row that
10 were growing at the Thomas Jopson ranch/tomato farm, Ebyam took
11 all of the growing marijuana plants from 22 rows (22 rows x 88
12 marijuana plants = 1,936 marijuana plants). Sisco said that
13 Ebyam took an additional 120 marijuana plants from the greenhouse
14 that contained marijuana plants that had to be harvested.

15 26. Sisco originally said that Ebyam left her only 95
16 marijuana plants. She later said Ebyam left her with
17 approximately 1,420 marijuana plants that were possibly
18 harvestable, but 600 of those plants had to be destroyed because
19 of mold. Sisco said she obtained approximately one-quarter pound
20 of saleable marijuana from each of the plants that she harvested
21 at the Thomas Jopson ranch/tomato farm. Sisco said that she sold
22 her marijuana for \$1,200 per pound to a club [dispensary],
23 whereas, it would worth \$3,500 per pound on the street.

24 27. Sisco advised Maples that she increased her investment
25 in the marijuana operation at the Thomas Jopson ranch/tomato farm
26 to \$410,000. She implied that she was a very lucky girl to be
27 able to save that amount of money, even though she had not gone
28 to college, by working for Blue Shield Federal Government for

1 medical review and as a general manager for Denny's entire
2 northern region. She advised Maples that she implemented a plan
3 to start the marijuana grow operation anew from scratch,
4 including bleaching [sanitizing] the marijuana plant clone room
5 at that time, starting new plants with new dirt, and growing a
6 more manageable number of marijuana plants. I know that given
7 that Sisco was restarting her marijuana grow operation near the
8 end of May 2011, the new marijuana plants that she started would
9 not be ready for harvest until near the end of July 2011 at the
10 earliest.

11 28. Sisco stated to Deputy Maples that she was at the
12 marijuana grow site in Rio Oso, "Twenty-four hours a day, seven
13 days a week." She stated that she lives in the house (1255
14 Pleasant Grove Road) with the other workers. She took Maples and
15 Brokenbrough on a tour of the interior of 1255 Pleasant Grove
16 Road and showed the officers where she was living and where she
17 had her office. She further stated she wanted to go home and
18 went on to describe her house in Los Molinos. Maples also asked,
19 "Is your husband back here yet?" (referring to Jesus Bruce, who
20 is not legally her husband but was described by Sisco as being
21 with her for nine years). Sisco responded, "Yeah, I wish he'd go
22 home . . . Yeah, he just walked out there with Thomas,"
23 indicating that Bruce was currently at the ranch/tomato farm.
24 [While on the Pleasant Grove Road properties, TFA Brokenbrough
25 observed Bruce walking near the marijuana cultivation operation.]
26 Sisco further explained that Bruce comes to the marijuana grow
27 site at Rio Oso four to five days a week and then goes back to
28 their home in Los Molinos for two days to maintain the residence

1 that they rent from another owner. [On both June 16 and 17,
2 2011, Deputy Maples drove pass 1255 Pleasant Grove Road, which is
3 the home used by Sisco and her marijuana workers to live in while
4 working at the marijuana operation at the Thomas Jopson
5 ranch/tomato farm, and observed Sisco's Hummer parked adjacent to
6 the residence.]

7 29. Sisco stated she pays Thomas Jopson \$10,000 a month
8 rent, another \$2,000 a month each to Jopson's brother and mother,
9 \$6,000 a month to PG&E, and \$5,000 a month in gas bills. Sisco
10 did not explain why she paid \$2,000 a month to Jopson's brother
11 and mother. Sisco showed Maples and Brokenbrough a copy of a
12 lease with Jopson Ranches, Inc., involving Ebyam for the use of
13 the property to grow marijuana. Sisco said that she was a good
14 employer and paid for her employees' food, housing [at 1255
15 Pleasant Grove Road], hot water, internet, and medical benefits.

16 31. Sisco said she has moved out of 110 Spinel Circle in
17 Sacramento (where she used to rent a room from Ebyam) and she
18 believes Ebyam has been evicted from that residence.

19 **F. The Amount Of Space Necessary To Grow 1,936 Marijuana**
20 **Plants To Maturity**

21 30. The Internet website:
22 <http://www.lycaeum.org/~sky/data/mjgrowers.html> states the
23 following with respect to the spacing of growing marijuana
24 plants:

25 "Plant Size and Spacing"

26 Marijuana varieties differ not only in their growth rate,
27 but also in their potential size. The grower also plays a
28 role in determining the size of the plants because the
plants can be induced to flower at any age or size just by
regulating the number of hours of uninterrupted darkness

1 that the plants receive.

2 Growers have different ideas about how much space each plant
3 needs. The closer the plants are spaced, the less room the
4 individual plant has to grow. Some growers use only a few
5 plants in a space, and they grow the plants in large
6 containers. Other growers prefer to fill the space with
7 smaller plants. Either method works, but a garden with
8 smaller plants which fills the space more [sic: more]
9 completely probably yields more in less time. The total
10 vegetative growth in a room containing many small sized
11 plants is greater than a room containing only a few plants.
12 Since each plant is smaller, it needs less time to grow to
13 its desired size. Remember that the gardener is interested
14 in a crop of beautiful buds, not beautiful plants. The
15 amount of space a plant requires depends on the height the
16 plants are to grow. A plant growing 10 feet high is going to
17 be wider than a 4 foot plant. The width of the plant also
18 depends on cultivation practices. Plants which are pruned
19 grow wider than unpruned plants. The different growth
20 characteristics of the plants also affect the space required
21 by each plant. In 1- or 2-light gardens, where the plants
22 are to grow no higher than 6 feet, plants are given between
23 1 and 9 square feet of space. In a high greenhouse lit by
24 natural light, where the plants grow 10-12 feet high, the
25 plants may be given as much as 80 to 100 square feet.

26 Marijuana Grower's Handbook - part 7 of 33

27 (Bracketed text added.)

28 31. Based on my training and experience, in the event that
Ebyam chose to grow to maturity the 1,936 marijuana plants that
he took from the Thomas Jopson ranch/tomato farm so that he could
harvest a saleable crop of marijuana buds, I estimate that Ebyam
would need a minimum of 4-9 square feet per plant. Multiplying
the 1,936 marijuana plants by 4-9 square feet means that Ebyam
would need approximately 7,744-17,424 square feet of space to
grow his marijuana plants to maturity, if he chose to grow his
marijuana plants indoors. In other words, Ebyam would need a
very large commercial building or greenhouse in order to grow his
marijuana plants to maturity.

///

1 **G. The New York Times Article On Yan Ebyam**

2 32. The investigation revealed a New York Times article,
3 "Entrepreneur's Ambitious Plans Go Up in Smoke" published on May
4 21, 2011, and found on the Internet at:
5 <http://www.nytimes.com/2011/05/22/us/22bcentrepreneur.html> and
6 continuing at
7 [http://www.nytimes.com/2011/05/22/us/22bcentrepreneur.html?pagewa](http://www.nytimes.com/2011/05/22/us/22bcentrepreneur.html?pagewanted=2)
8 nted=2. The article discusses, among other things, Ebyam's
9 marijuana grow operations in Oakland, California, where he grew
10 marijuana plants indoors on a very large scale. The article
11 discusses business disputes and litigation involving Ebyam's
12 Oakland marijuana grow operations and his business associates.
13 Near the end of the article on page 2, the article suggests that
14 Ebyam is still in the marijuana manufacturing business and
15 states:

16 As the city's ordinance fell apart, Mr. Ebyam left
17 Oakland. Although he is still a part owner of the grow
18 operation, his whereabouts and what he is up to are a
19 mystery to many.

20 Mr. Ebyam implied that he was still in the medical
21 marijuana business but refused to say where. "After last
22 time, I think it's better that way."

23 (Emphasis added.)

24 **H. The June 1, 2011, Investigation Of Cal-Nevada Wholesale Florist**

25 33. An Internet search revealed a Cal-Nevada Wholesale
26 Florist is located at 9445 Fruitridge Road, Sacramento,
27 California.

28 34. On June 1, 2011, TFA Tricia Victorino, in an undercover
capacity, went into Cal-Nevada Wholesale Florist to inquire about

1 flowers. TFA Victorino stated, when she entered the business
2 office, she was overwhelmed by the strong smell of burning
3 incense and burning scented candles. Victorino could not smell
4 anything other than the smell of burning incense and burning
5 scented candles. While at the business, Victorino observed a
6 female worker light another scented candle. Therefore, Victorino
7 was unable to detect any odor of marijuana. I know based on my
8 training and experience that burning incense and/or burning
9 scented candles are sometimes used to mask the odor of smoked
10 marijuana, and know that the smell of burning incense and burning
11 scented candles could also be used to mask the odor of growing
12 marijuana.

13 **I. The June 8, 2011, Investigation Of Cal-Nevada Wholesale**
14 **Florist**

15 35. On June 8, 2011, at approximately 0900 hours, Task
16 Force Agents established surveillance at Cal-Nevada Wholesale
17 Florist, 9445 Fruitridge Road, Sacramento. At approximately 1030
18 hours, TFA Brokenbrough observed Ebyam drive a silver 2006
19 Mercedes California license 6FHL700 towards Cal-Nevada Wholesale
20 Florist. Deputy Maples learned previously from Thomas Jopson on
21 April 28, 2011, that Ebyam drives a silver Mercedes vehicle. A
22 check with the California Department of Motor Vehicles does not
23 show such a vehicle is registered in Ebyam's name. However, I
24 know based on my training and experience that drug manufacturers
25 and traffickers will often drive vehicles that are not registered
26 in their names as a method to help avoid law enforcement
27 detection. TFA Brokenbrough observed Ebyam's Mercedes drive to a
28 locked gate at the entrance of Cal-Nevada Wholesale Florist.

1 Brokenbrough observed Ebyam walk away from his Mercedes to the
2 locked gate and open the gate. Brokenbrough positively
3 identified Ebyam from a previously obtained California Department
4 of Motor Vehicles driver's license photograph of Ebyam.

5 36. TFA Brokenbrough was unable to maintain visual
6 observation of Ebyam, however after several minutes, Brokenbrough
7 again observed Ebyam's Mercedes vehicle parked in the public
8 parking lot directly in front of the business office of Cal-
9 Nevada Wholesale Florist.

10 37. Cal-Nevada Wholesale Florist has a large greenhouse
11 structure on its business property directly behind the business
12 office. The entrance to the greenhouse has a large pedestrian
13 door facing Fruitridge Road.

14 38. At approximately 1445 hours on June 8, 2011, NET-5 TFA
15 Leo Smith observed Ebyam walking towards the pedestrian door to
16 the greenhouse. Ebyam opened the door to the greenhouse just
17 enough to fit sideways through the door and then closed the door
18 immediately after entering the greenhouse. TFA Smith stated the
19 way in which Ebyam entered the greenhouse he was unable to see
20 into the greenhouse from his surveillance vantage point on
21 Fruitridge Road. In entering the greenhouse in the surreptitious
22 manner that he did, I believe that Ebyam was attempting to hide
23 from the view of any passersby of the inside of the greenhouse,
24 which I believe contains marijuana plants.

25 39. At approximately 1455 hours, TFA Smith acting in an
26 undercover capacity drove into Cal-Nevada Wholesale Florist to
27 speak with someone concerning flowers. TFA Kulveer Hundal and
28 TFA Brokenbrough accompanied TFA Smith. Smith parked in the

1 public parking lot of the business next to Ebyam's Mercedes.
2 Smith went into the business while Hundal and Brokenbrough
3 remained in the vehicle.

4 40. While TFA Smith was inside the business, TFA
5 Brokenbrough placed a Global Positioning Satellite (GPS) tracker
6 on the outside of Ebyam's vehicle and without making any entry
7 into the inside of the vehicle. The tracker device allows law
8 enforcement to remotely monitor and track the movements of the
9 Mercedes vehicle that law enforcement has observed Ebyam driving.

10 41. Inside the business, TFA Smith spoke with Mary Johns
11 who stated she and her husband owned Cal-Nevada Wholesale
12 Florist. [An Internet inquiry on June 17, 2011, confirmed that
13 David and Mary Johns own two adjoining parcels of land, both with
14 an address of 9445 Fruitridge Road, Sacramento, Sacramento
15 County, California. Sacramento County Assessor's Parcel No. 063-
16 0060-045-000 is a much large parcel on which the large
17 greenhouse, several other structures, and large open fields lie.
18 Sacramento County Assessor's Parcel No. 063-0060-046-000 is a
19 much smaller parcel, lies between the large greenhouse and
20 Fruitridge Road, and is where the office and public parking lot
21 for Cal-Nevada Wholesale Florist are located. Ebyam parks his
22 Mercedes Benz in the Cal-Nevada Wholesale Florist public parking
23 lot when going to this location.] Smith asked about buying
24 flowers. Mary Johns told Smith he would have to give her two
25 weeks notice because she orders her flowers and gets shipments
26 every Tuesday and Friday. Smith inquired about the flowers Johns
27 currently had at the business. Mary Johns showed Smith a large
28 walk-in refrigerator with a few buckets, each containing a

insert from

1 minimal amount of flowers. TFA Smith advised ~~the~~ it was his
2 opinion, based on the conversation and interaction with Mary
3 Johns, that Cal-Nevada Wholesale Florist was not growing their
4 own flowers at that time. Smith also stated there was a strong
5 odor of incense making it impossible to smell anything but the
6 incense in the office. Therefore, Smith was unable to detect any
7 odor of marijuana.

8 42. According to the GPS tracker on Ebyam's Mercedes, the
9 Mercedes left Cal-Nevada Wholesale Florist at approximately 1545
10 hours and drove to 8349 Folsom Boulevard, Sacramento arriving at
11 approximately 1557 hours. The property at 8349 Folsom Boulevard
12 is a fast food type strip mall. Ebyam's Mercedes remained at the
13 fast food type strip mall for approximately 20 minutes and left
14 at approximately 1617 hours. Ebyam's Mercedes then drove
15 directly to 2810 Gateway Oaks Drive, Sacramento, California,
16 arriving at approximately 1634 hours. The property at 2810
17 Gateway Oaks Drive is the location of the Homestead Studio Suites
18 Hotel. The Homestead Studio Suites Hotel is an extended stay
19 hotel.

20 **J. The June 9, 2011, Investigation Of Cal-Nevada Wholesale**
21 **Florist**

22 43. Ebyam's Mercedes remained at the Homestead Studio
23 Suites Hotel overnight. Ebyam's Mercedes left the hotel the next
24 morning, June 9, 2011, at approximately 0840 hours and drove
25 directly to Cal-Nevada Wholesale Florist arriving at
26 approximately 0906 hours.

27 44. On June 9, 2011, at approximately 1100 hours, NET-5 TFA
28 David Clemens participated in an aerial surveillance of

1 Cal-Nevada Wholesale Florist, during which aerial photographs
2 were taken. The flyover was conducted by the California
3 Department of Justice, Bureau of Narcotic Enforcement using a
4 fixed wing aircraft flying at no less than 1500 feet above ground
5 level. TFA Clemens has observed marijuana plants from the air on
6 no less than 50 occasions in the past. TFA Clemens' observation
7 of marijuana from the air has been confirmed from the ground
8 approximately 25% of the time. On the other approximately 75% of
9 the occasions, no followup on the ground has been conducted of
10 his aerial observations of suspected marijuana plants, usually
11 due to information from the local district attorney's office that
12 it would decline prosecution of the case. The district
13 attorney's office has generally declined prosecution of marijuana
14 cases where indicia marking the suspected marijuana plants as
15 medical marijuana plants is observed in proximity to the plants.
16 On every occasion where there has been ground observations as
17 followup conducted on TFA Clemens' aerial observations of
18 suspected marijuana plants, it was determined the plants that he
19 identified as marijuana plants were, in fact, marijuana plants.

20 45. While flying over Cal-Nevada Wholesale Florist, TFA
21 Clemens was able to observe plant material through the
22 translucent roof of the large greenhouse on the property.
23 Because the greenhouse roof was translucent, Clemens could not
24 see clearly the shape of plant material. This greenhouse was
25 approximately two-fifths full of large green plants that appeared
26 uniform in color and size. The color of the plants inside the
27 Cal-Nevada Wholesale Florist greenhouse was a distinctive green
28 color and consistent with other marijuana plants TFA Clemens has

1 observed on both the ground and during aerial overflights. Based
2 on his aerial observations, TFA Clemens believes that the plant
3 material that he saw on his aerial overflight were growing
4 marijuana plants.

5 **K. The Evidence From The Tracker On Ebyam's Mercedes Benz**

6 46. On June 8, 2011, TFA Brokenbrough observed Ebyam
7 driving his Mercedes Benz and arrive at Cal-Nevada Wholesale
8 Florist at approximately 1030 hours. On the same date,
9 Brokenbrough placed the tracker on the Ebyam's Mercedes Benz
10 vehicle at approximately 1455 hours. Based on information
11 relayed by the tracker, the Mercedes left Cal-Nevada Wholesale
12 Florist at 1530 hours. Accordingly, it appears that Ebyam's
13 vehicle and Ebyam were both at Cal-Nevada for approximately 5 1/2
14 hours on this date.

15 47. The tracker provided the following additional
16 information regarding the amount of time that Ebyam's Mercedes
17 Benz was stationary at the Cal-Nevada Wholesale Florist location
18 on other days:

19 June 9, 2011 - approximately 6 hours 9 minutes

20 June 10-12, 2011 - no time at Cal-Nevada Wholesale Florist

21 June 13, 2011 - approximately 7 hours 21 minutes

22 June 14, 2011 - approximately 5 hours 14 minutes

23 June 15, 2011 - no time at Cal-Nevada Wholesale Florist

24 June 16, 2011 - approximately 2 hours 20 minutes

25 June 17, 2011 - approximately 1 hour 56 minutes

26 The tracker also established that Ebyam's Mercedes Benz was
27 parked on a regular basis overnight at the Homestead Studio
28 Suites Hotel parking lot.

1 48. Based on my training and experience, I believe that the
2 amount of time that Ebyam's Mercedes Benz was stationary at the
3 location of Cal-Nevada Wholesale Florist on Fruitridge Road is
4 consistent with the amount of time that a marijuana manufacturer
5 would need to tend to the large number of marijuana plants
6 (1,936) that Sisco stated that Ebyam took to this location.

7 L. **Ebyam Is A Registered Homestead Studio Suites Hotel**
8 **Guest Until June 24, 2011**

9 49. On June 13, 2011, TFA Brokenbrough confirmed by
10 checking the Homestead Studio Suites Hotel guest registration
11 list that Ebyam is registered to stay in Room 162. The hotel
12 guest registration list showed that Ebyam checked into Room 162
13 on May 25, 2011. On June 13, 2011, TFAs Brokenbrough and Derrick
14 observed Ebyam use a key and enter Room 162. On June 20, 2011,
15 TFA Brokenbrough confirmed by again checking the Homestead Studio
16 Suites Hotel guest registration list that Ebyam is registered to
17 stay in Room 162 until June 24, 2011.

18 M. **The Criminal Records Of Various Suspects**

19 50. A review of the respective criminal history printouts
20 of the various suspects shows the following convictions:

- 21 a. Pablo Vasquez: convicted of a felony in 2000 for
22 violating California Health & Safety Code § 11383 -
23 POSS EPH/ECT:INT:MFG METH/ETC (which I interpret to
24 mean possession of ephedrine with intent to manufacture
25 methamphetamine); convicted of a misdemeanor in 2000
26 for violating California Penal Code § 32 - Accessory;
27 convicted of a felony in 2005 for violating California
28 Health & Safety Code § 11360(A) - SELL/FURNISH/ETC

1 MARIJUANA/HASH (which I interpret to mean distributing
2 marijuana or hashish).

3 b. Yan Ebyam: convicted of a felony in 2004 for violating
4 California Penal Code § 182(A)(1) - conspiracy to
5 commit crime; convicted of a felony in 2004 for
6 violating 18 U.S.C. § 1956(h) - conspiracy to launder
7 monetary instruments.

8 c. Jesus Bruce: convicted of a felony in 1999 for
9 violating California Health & Safety Code § 11377(A) -
10 possession of a controlled substance; convicted of a
11 felony in 1999 for violating California Health & Safety
12 Code § 11379(A) - transportation of a controlled
13 substance; convicted of a felony in 2005 for violating
14 California Health & Safety Code § 11360(A) -
15 SELL/FURNISH/ETC MARIJUANA/HASH (which I interpret to
16 mean distributing marijuana or hashish); convicted in
17 2007 of violating California Penal Code § 496(A) -
18 knowingly receiving stolen property.

19 **METHODS AND PRACTICES OF MARIJUANA MANUFACTURERS AND DEALERS**

20 51. I have worked this investigation with the help of a
21 team of law enforcement officers, including Special Agent Lisa
22 Ulrikson with the Internal Revenue Service Criminal Investigation
23 (IRS-CI). Ulrikson has been a Special Agent with IRS-CI for over
24 10 years, concentrating primarily on the financial aspects of
25 drug trafficking organizations. Agent Ulrikson has extensive
26 experience in debriefing defendants, participant witnesses,
27 informants, and other persons who have had personal experience
28 and knowledge of the amassing, spending, converting,

1 transporting, distributing and concealing the proceeds from
2 illegal activities. As a result of my training and experience,
3 and my communications with members of the investigative team,
4 including IRS-CI Special Agent Ulrikson, I am generally familiar
5 with the methods and practices of persons and organizations
6 engaged in marijuana manufacturing and/or trafficking, including
7 financial transactions these violators conduct.

8 52. I know based on my training and experience that
9 firearms are tools of the trade for drug manufacturers,
10 importers, and distributors. These drug violators use the
11 firearms to protect their drug manufacturing and trafficking
12 operations, and themselves against law enforcement and other drug
13 violators because the drug trade is an inherently dangerous
14 illegal activity involving large amounts of valuable contraband
15 and drug proceeds. Evidence of the possession of firearms can be
16 relevant to show involvement in the drug trade. By this search
17 warrant, I request authority to seize all firearms, ammunition,
18 gun parts, silencers, holsters, scabbards, and magazine clips and
19 receipts for the same, that appear to be used to protect the drug
20 manufacturer and/or trafficker as a result of the location and
21 proximity of the firearm and other firearm-related evidence to
22 evidence of drug manufacturing and trafficking.

23 53. As a result of my training and experience, I am
24 generally familiar with the methods and practices of marijuana
25 manufacturers and traffickers. I have encountered and become
26 familiar with various tools, methods, trends, paraphernalia, and
27 related items utilized by various manufacturers and traffickers
28 in their efforts to cultivate, conceal, and distribute marijuana.

1 This includes fake identification papers such as social security
2 cards, driver licenses, and false addresses used to evade
3 detection and give false leads to law enforcement officials. I
4 know, based on my training and experience, that marijuana
5 manufacturers and/or traffickers keep and maintain the evidence
6 and items described in Attachment B used in connection with their
7 drug operations: on their persons; in their residences, "stash"
8 or "safe" houses, locations under their control, motor vehicles,
9 recreational vehicles, trailers, vessels, storage lockers, and
10 outbuildings; on and/or buried under property under their
11 control, whether such places and/or such items are registered in
12 their names, the names of their friends, family and associates,
13 and/or under fictitious names.

14 54. I know that marijuana manufacturing and/or trafficking
15 are often continuing activities that last over months and years.
16 Repeated drug activity over lengthy periods of time generates
17 greater amounts of evidence. Many items of evidentiary value,
18 particularly documentary evidence, are not illegal to possess
19 and, therefore, not overtly incriminating in the criminal's view.
20 In my training and experience, where criminal activity is
21 long-term or ongoing, equipment and records of a crime will be
22 kept for a significant period of time. See also United State v.
23 Greany, 929 F.2d 523, 525 (9th Cir 1991).

24 55. Based on my personal experience and the experience of
25 other experienced officers, we know that it is common to find and
26 seize evidence from suspects even though they know that they are
27 under investigation. It is a common practice for drug
28 manufacturers and traffickers to maintain personal property used

1 or obtained in their criminal activities and which constitute
2 evidence of their crimes for extended periods of time. The
3 evidence may be innocuous at first glance (e.g., financial,
4 credit card, and banking documents; travel documents; passports,
5 and lodging, transportation, and fuel receipts; documents
6 reflecting purchases of assets with drug proceeds or assets used
7 to facilitate the drug operation; personal calendars; personal
8 phone and address books; checkbooks; photographs; utility
9 records; ownership documents; letters and notes; telephones and
10 pagers and bills for these services; keys to safe deposit boxes;
11 computer equipment and electronic information storage devices),
12 but have significance and relevance when considered in a light of
13 other evidence. The evidence may be highly valuable to the
14 offender or have high utility for legal applications, such as
15 valuable investments (e.g., art, jewelry, precious metals and
16 stones, real estate, securities), large sums of currency, drug
17 ledgers, safes, supplier and customer lists, firearms,
18 communication equipment, vehicles, airplanes, boats, computer
19 equipment, money counters, counter-surveillance equipment,
20 scales, and packaging equipment. The offender may not realize
21 that the items are evidence. The offender may not be able to
22 easily to remove the evidence, such as in the case where the
23 evidence is buried underground. The offender may not realize
24 that he/she still possesses the items that constitute evidence.
25 The offender may not believe that law enforcement will obtain a
26 search warrant to seize the evidence.

27 56. I know that marijuana manufacturers and traffickers
28 sometimes maintain assets such as real estate, bank and financial

1 accounts, businesses, and financial assets in names other than
2 their own in order to avoid the detection and seizure of such
3 assets by law enforcement. However, even though such assets may
4 be in other people's names, the marijuana criminal violator
5 continues to utilize these assets and exercise dominion and
6 control over them. These records may be in the form of written
7 notes and correspondence, receipts, negotiated instruments,
8 contracts, bank statements, escrow files and other records.
9 Records of this kind are also often stored on computer media.
10 Persons engaged in illicit activity, such as drug trafficking
11 and/or money laundering, frequently use corporations, trusts,
12 partnerships and other business entities to facilitate and/or
13 conceal the money trail and the illicit activity.

14 57. I know, based on my training and experience, that the
15 number of drug traffickers using computers and electronic
16 information storage devices, like the general population as a
17 whole, is steadily increasing, and such computer hardware,
18 software, documentation, passwords, and electronic information
19 storage devices may be instrumentalities, fruits, or evidence of
20 crime and/or transmit information about crimes. Moreover, such
21 computers and electronic information storage devices offer
22 marijuana cultivators and distributors excellent and convenient
23 devices for recording information concerning their product,
24 including marijuana seed, plants, marijuana sources,
25 co-conspirators and customers, marijuana plant yields and harvest
26 information, plant and processed marijuana prices, marijuana
27 plant maintenance and growing schedules, marijuana plant
28 identification and reference codes, and any other information

1 deemed pertinent by the marijuana cultivator and distributor.
2 Much of the electronic media storage devices, such as floppy
3 disks, zip disks, thumb drives, CD-ROMs, SD memory cards, are
4 very small, detachable, portable, and can be secreted in small
5 containers, such as safes and clothing pockets. I also know,
6 based on my training and experience, that drug manufacturers and
7 traffickers often communicate with their criminal associates
8 through the use of electronic mail, instant messaging, text
9 messaging, telephone answering machines, voicemail, pagers, and
10 telephones (cellular and land line). To the drug trafficker,
11 these communication devices are part of his normal business
12 equipment.

13 58. I have found that the manufacture, use, and sales of
14 marijuana and other controlled substances is so pervasive in the
15 lives of those who engage in these activities that evidence of
16 the manufacture, use, and sales of these drugs is so intermingled
17 in the minutia of daily living that even when the producers,
18 users, and sellers of drugs know, or suspect, that law
19 enforcement is inquiring into their activities, they cannot
20 completely rid themselves of all evidence of the production, use,
21 and sales of controlled substances. I have found in previous
22 searches that manufacturers of marijuana have had receipts for:
23 purchases of food supplies for the persons manufacturing the
24 marijuana plants; purchases of supplies used for the production
25 of marijuana, such as waterline, fertilizer, growing containers,
26 waterline fittings, and hand tools in their homes and vehicles
27 many months after the purchases, and after members of their
28 conspiracy have been arrested by law enforcement for those

1 activities.

2 59. Through my training and experience, I have learned that
3 marijuana manufacturers and traffickers use prepaid or debit
4 calling cards, public telephones, wireless communications
5 technology such as paging devices and cellular telephones, email,
6 instant messages, and use of codes in communications in an
7 attempt to avoid detection by law enforcement. I also know that
8 violators of the controlled substances laws often purchase
9 telephones or subscribe to telephone services using false names
10 and/or other individuals' names to avoid detection by law
11 enforcement.

12 60. Individuals involved in drug dealing often maintain at
13 their residence, vehicles, vessels, motor homes and in structures
14 of various types, as well as on their persons records and ledgers
15 evidencing their trafficking activities in order to keep track of
16 the ordering, purchasing, storage, distribution, and
17 transportation of drugs. Even after the drugs are sold,
18 documentary records and ledgers often remain for long periods of
19 time to memorialize past transactions, the status of accounts
20 receivable and accounts payable, and the names and telephone
21 numbers of suppliers, customers and co-conspirators. These
22 records are often maintained not only on paper, but also as
23 computer data in the form of computer hardware and software.
24 As a result of my training and experience, I know that
25 traffickers dealing in various quantities of controlled
26 substances or those that assist in such ventures often create and
27 maintain accounts and records relating to drug transactions.
28 Such records and accounts often detail manufacture, movement,

1 acquisition, distribution, and the location of various amounts of
2 money and drugs. They also may indicate the identity of
3 co-conspirators. I have seen these records maintained in
4 physical form, such as papers, notebooks, ledgers, and in
5 electronic form, such as on a computer. In my experience, drug
6 traffickers tend to keep these accounts and records in their
7 residence and in the areas under their control. It is my
8 training and experience, that in the case of drug dealers,
9 evidence is likely to be found where the traffickers live.

10 United States v. Angulo-Lopez, 791 F.2d 1934, 1399 (9th Cir.
11 1986).

12 61. Individuals involved in drug dealing must often rely on
13 others to obtain the drugs and to help them market the drugs.
14 Evidence of the identities of these co-conspirators are often
15 maintained at their residence, in their vehicles, motor-homes and
16 in structures of various types, as well as on their persons, in
17 various forms including, but not limited to, photographs, videos,
18 letters, and ledgers.

19 62. Individuals involved in drug dealing often do not have
20 a legitimate form of employment to account for the large sums of
21 money they earn from drugs trafficking and often try to
22 legitimize these profits. In order to do this, they attempt to
23 secrete, transfer, and conceal the money in a number of different
24 ways, including, but not limited to; (a) placing assets in names
25 other than their own name to avoid detection while maintaining
26 control; (b) laundering money through what appear to be a
27 legitimate business or businesses; (c) hiding money in their
28 homes, safes and safety deposit boxes; or (d) using the money to

1 buy assets which are difficult to trace by law enforcement.
2 Records of these transactions are often found at their residence,
3 in their vehicles, and on their persons.

4 63. Individuals involved in drug dealing often maintain on
5 hand large amounts of United States currency in order to finance
6 their ongoing drug business. In addition, other assets generated
7 by their drug business, or purchased with cash earned, such as
8 precious metals, and stones, and jewelry, automobiles and other
9 items of value and or proceeds of drug transactions are typically
10 kept by drug dealers at their residence, in their vehicles,
11 motor-homes and in structures of various types, as well as on
12 their persons to avoid detection by authorities.

13 64. Based upon my training and experience in the
14 investigation of controlled substance violations, I know that
15 drug violators frequently use vehicles under their control to
16 transport, conceal, and store the items sought by the warrants
17 sought herein. Violators frequently use vehicles registered to
18 another person as a means of avoiding detection by law
19 enforcement. Possession of the keys to vehicles, statements by
20 witnesses, Department of Motor Vehicle records, suspect
21 admissions and the suspect's actual use of the vehicle are some
22 of the best means of determining which vehicle(s) are under the
23 violator's control. Therefore, I seek search warrant
24 authorization to search all vehicles located on any of the
25 premises described above to be searched that are under the
26 control of, or used by, Thomas Jopson, David Jopson, Pablo Omar
27 Vasquez, Dolf Fred Podva, Aimee Sisco, Jesus Bruce, Yan Ebyam,
28 and any other marijuana manufacturer found on the premises

1 searched as established by their possession of keys for such
2 vehicles and/or by any future statements made by them or
3 witnesses who have knowledge of such facts. I do not request
4 authority to search any vehicles on the premises that are under
5 the exclusive control of another occupant of the property not
6 named or described in this subparagraph, or a guest or other
7 caller.

8 65. Individuals involved in marijuana manufacturing and
9 dealing often take, or cause to be taken, photographs of
10 themselves, their associates, their property, and their drugs,
11 and usually maintain these photographs in their possession.

12 66. Premises used by individuals involved in drug dealing
13 usually contain articles of personal property evidencing the
14 identity of persons occupying, possessing, residing in, owning,
15 frequenting or controlling the premises.

16 67. In addition, these traffickers tend to attempt to
17 legitimize their assets by establishing domestic and foreign
18 businesses, by creating shell corporations, by utilizing bank
19 haven countries and attorney's specializing in drafting and
20 establishing such entities employed to "launder" the proceeds
21 derived from the distribution of controlled substances.

22 68. Agent Ulrikson informed me that the net worth/source
23 and application of funds analyses show that a suspect's known
24 expenditures and/or accumulation of assets substantially exceed
25 his/her legitimate sources of income to prove that the suspect is
26 engaged in illegal money generating activities, such as drug
27 trafficking or fraud. The net worth analysis compares a
28 suspect's net worth (cost value of total assets minus total

1 liabilities) at a time just before the suspect has commenced his
2 purported criminal enterprise, to his/her net worth at the
3 approximate time of his/her arrest. The source and application
4 of funds analysis focuses on the suspect's expenditures during
5 the time period of the purported illegal activities and compares
6 such expenditures with his legitimate sources of income. Both
7 analyses require evaluation of bank records, credit records, loan
8 records, documents evidencing ownership of assets, and other
9 documents evidencing the financial profile of the suspect during
10 the course of the purported illegal activity, as well as a short
11 time period prior to the illegal activity (e.g., one year).
12 Other than assisting in the net worth/source and application of
13 funds analyses, a financial profile of a suspect prior to the
14 purported criminal activity evidences changes in lifestyle, asset
15 accumulation, and expenditures between the time period prior to
16 the illegal activity and the time period of the illegal activity
17 that are consistent with a person generating income from illegal
18 activities (e.g., drug trafficking or fraud), as compared to a
19 person earning income from legitimate sources. Evidence of an
20 individual's expenditures, asset accumulation, financial
21 life-style, net worth/source and application of funds analyses,
22 and underlying financial documents necessary for such analyses
23 are admissible evidence under federal case law in drug
24 trafficking and money laundering cases. Thus, the need for such
25 documents to be taken during the execution of a search warrant.

26 69. I am aware that the proceeds generated from illegal
27 activities may be spent many years after the illegal activity has
28 stopped. Thus, records reflecting income and expenditures for

1 the time period spanning the illegal activity and those years
2 immediately following the end of this activity are essential to
3 any financial investigation.

4 **CONCLUSION**

5 70. Based on the foregoing, I believe there is probable
6 cause that Thomas Jopson, David Jopson, Pablo Vasquez, Dolf
7 Podva, Aimee Sisco, Jesus Bruce, and Yan Ebyam committed the
8 following crimes: Count One: conspiracy to manufacture at least
9 1,000 marijuana plants in Sutter County, California, and
10 elsewhere, during the time period beginning in or about the end
11 of 2010, and continuing to the present, in violation of 21 U.S.C.
12 §§ 841(a)(1) and 846; and Count Two: manufacture of at least
13 1,000 marijuana plants in Sutter County, California, during the
14 time period beginning in or about the end of 2010, and continuing
15 to the present, in violation of 21 U.S.C. § 841(a)(1). I believe
16 there is probable cause that Yan Ebyam committed the following
17 additional crimes: Count One: conspiracy to manufacture at
18 least 1,000 marijuana plants in Sacramento County, California,
19 and elsewhere, during the time period beginning in or about May
20 2011, and continuing to the present, in violation of 21 U.S.C.
21 §§ 841(a)(1) and 846; and Count Two: manufacture of at least

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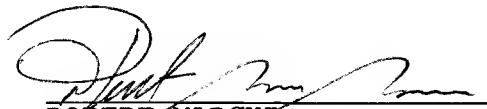
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1 1,000 marijuana plants in Sacramento County, California, during
2 the time period beginning in or about May 2011, and continuing to
3 the present, in violation of 21 U.S.C. § 841(a)(1). I therefore
4 respectfully request that the Court issue the Criminal Complaints
5 requested herein.

6
7 

8 ROBERT MARCHI
9 Special Agent
10 Drug Enforcement Administration

11
12 Subscribed and sworn to before me
13 on 6-22, 2011.

14
15 

16 EDMUND F. BRENNAN
17 United States Magistrate Judge

18
19
20 Approved as to form:

21 

22 Jason Hitt
23 Assistant U.S. Attorney
24
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26
27
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